

UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JONATHAN GROTH and ROBERT
WILLIAM JOHNSTON, On behalf of
THEMSELVES and All Others Similarly
Situating,

Plaintiffs,

v.

GRAND CENTRAL PARTY
RENTAL, INC.; and KEITH KRANZ

Defendants.

CASE NO. 3:12-cv-1305

COLLECTIVE ACTION

JURY TRIAL DEMANDED

Judge Nixon

Magistrate Judge Knowles

AGREED ORDER

This case is before the Court on Plaintiffs' Motion for Conditional Certification of a collective action pursuant to 29 U.S.C. § 216(b) ("Plaintiffs' Motion"). (Doc. No. 17).

By agreement of the parties, Plaintiffs' Motion is GRANTED, consistent with the terms of this Order. Specifically, the Court ORDERS as follows:

1. The Court conditionally certifies a class in this action consisting of all individuals employed by Grand Central Party Rental Inc. and Keith Kranz at any time from March 5, 2010 to the present who were paid based on a combination of hourly wages and piece rate compensation.

2. The Collective Action Notice and Notice of Consent forms, attached as Exhibits 1 and 2, are hereby authorized for distribution to the Conditional Class.

3. Within fourteen (14) days of the entry of this Agreed Order, Defendants shall provide counsel for Plaintiffs with the names and last known addresses of the employees within the categories that Plaintiffs and Defendants have stipulated and agreed should receive the Notice (identified in paragraph 1 of this Order). Also, within fourteen (14) days of the entry of

this Agreed Order, Defendants shall provide counsel for Plaintiffs with the number of currently employed individuals who are members of the Conditional Class. The information supplied by Defendants pursuant to this Order shall be treated as "attorneys eyes only" and shall be used solely for purposes of issuing the notice described herein. .

4. Plaintiffs' counsel shall distribute, via U.S. Mail, the Court-Authorized Collective Action Notice. Each Notice shall be accompanied by the Notice of Consent Form and a self-addressed stamped return envelope. No other information or material shall accompany the Notice. Plaintiffs shall use their best efforts to mail all Notices on the same day so as to establish a single date of mailing. Plaintiffs shall bear all costs associated with distributing the Notice and accompanying material in this manner.

5. No later than seven (7) days after the Notice has been sent out via U.S. Mail, counsel for Plaintiffs shall file a certification with the Court, certifying that the Notice has been mailed to the members of the Conditional Class consistent with this Agreed Order and identifying the date of mailing.

6. All Notice of Consent Forms shall be postmarked no later than forty-five (45) days from the date of mailing. No Notice of Consent Forms postmarked after forty-five (45) days from the date of mailing may be filed without the written consent of all parties.

7. The parties shall not be deemed to have waived or conceded any substantive or procedural rights by consenting to this Agreed Order, the contents or form of the Collective Action Notice, or the scope of such notice's distribution, and neither this Agreed Order, the Collective Action Notice, nor the scope of the notice's distribution may be used to establish a factual or legal claim in dispute in any proceeding. Furthermore, nothing in this Agreed Order in any way precludes Defendants from later seeking a decertification of the Conditional Class, nor

does this Agreed Order in any way preclude a party from seeking any form of bifurcation or separation of matters to be tried in this case.

IT IS SO ORDERED


DISTRICT JUDGE JOHN T. NIXON

APPROVED FOR ENTRY:

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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing *Proposed Agreed Order* has been served on the following via the Court's ECF filing system:

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Attorneys for Defendants

on this day 22nd day of April, 2013

/s/ Seth M. Hyatt
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